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LAVA GROUP FILE #: 09001.1001

SUBJECT: Application Serial No 09/547,710 Filed April 11, 2000

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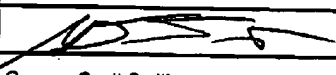
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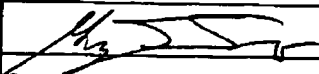
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<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/547,710
	Filing Date	April 11, 2000
	First Named Inventor	JOHNSON, Sam
	Art Unit	2143
	Examiner Name	VAUGHN Jr., William C.
	Attorney Docket Number	09001.1001
Total Number of Pages in This Submission		73

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Firm Name	LAVA Group Law by Smith & Frohwein, LLC		
Signature			
Printed name	Gregory Scott Smith		
Date	February 21, 2005	Reg. No.	40,819

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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**  
**For FY 2005**☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 250.00**Complete if Known**

Application Number	09/547,710
Filing Date	April 11, 2000
First Named Inventor	JOHNSON, Sam
Examiner Name	VAUGHN Jr. William C.
Art Unit	2143
Attorney Docket No.	09001.1001

**METHOD OF PAYMENT** (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☐ Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

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**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

**Total Claims** - 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims** - 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____	_____	_____

\_\_\_\_\_ - 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_


**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Filing a brief in support of appeal**Fees Paid (\$)**

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**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent) 40,819	Telephone (770) 804-9070
Name (Print/Type)	Gregory Scott Smith	Date February 21, 2005	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No.: 09001.1001

Patent  
 Attorney Docket No. 09001.1001  
 Application No.: 09/547,710  
 Customer No. 35856

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
 BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Sam Johnson et al.

Application No: 09/547,710

Filed: April 11, 2000

For: **A SYSTEM FOR AND METHOD OF  
 IMPLEMENTING A CLOSED LOOP  
 RESPONSE ARCHITECTURE  
 FOR ELECTRONIC COMMERCE**

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Group Art Unit: 2143

Examiner: Vaughn Jr., William C.

Our File No.: 09001.1001

**APPEAL BRIEF UNDER 37 C.F.R. § 1.192**

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To the Office:

This is an appeal to the Board of Patent Appeals and Interferences (“the Board”) from the final Office Action dated June 21, 2004 finally rejecting claims 1-8, 10, 11, 20, 24, 25, 28, 31-34, 42, 44-58, 80, 89-94 and 96-98, in the above-referenced patent application. The appealed claims, as rejected, are set forth in the attached Appendix.

In support of the Notice of Appeal filed February 21, 2005, and pursuant to 37 C.F.R. § 1.192, Appellants present in triplicate this brief and enclose herewith a check for the fee of \$250.00 required under 37 C.F.R. § 1.17(c).

**I. Real Party in Interest**

02/23/2005 BBONNER 00000023 09547710

Avintaquin Capital, LLC is the assignee of record.

01 FC:2401

250.00 OP

Attorney Docket No.: 09001.1001

**II. Related Appeals and Interferences**

Appellants' undersigned legal representative knows of no other appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**III. Status of Claims**

Claims 1-8, 10, 11, 20, 24, 25, 28, 31-34, 42, 44-58, 80, 89-94 and 96-98 are pending in this application. No claim has been allowed.

**IV. Status of Amendments**

The first substantive Office Action was mailed on January 2, 2004. The appellant amended the claims in a response to this Office Action that was filed on April 2, 2004. A subsequent and Final Office Action was mailed on June 21, 2004. The appellant presented arguments to traverse the Examiner's rejections but did not present any additional amendments in a response that was filed on October 21, 2004. Thus, no amendments to the claims have been filed subsequent to the final rejection dated June 21, 2004. The Examiner indicated that the response to the final Office Action filed on October 21, 2004, was not entered. The claims presented in the attached appendix reflect the current status of the claims. An attempt was made through engaging the Examiner in a series of telephone conferences to articulate the appellant's position but an agreement between the appellant and Examiner was not able to be reached.

**V. Summary of Invention**

This invention relates to a playback device, the can be operated within a closed loop system, to receive and playback media content and provide response information related to particular segments and/or sub-segments of the media content. More specifically, a mobile content server can provide content segments to a playback device based at least in part on user information. Each content segment represents a complete content item, such as a song, a video, an advertisement, a new report, etc. At least one of the content segments includes at

least one sub-segment. The playback device can provide response information to the mobile content server.

In one embodiment of the invention, the response information is associated with a particular sub-segment of a content segment and solicits various actions based on which sub-segment with which it is associated.

One aspect of the closed loop system is the mobile-content server. The mobile-content server includes an information content source interface, a playback device interface, and a server application. The server application enables the mobile-content server to receive user information from a user. Based, at least in part, on the user information, the mobile-content server obtains content programming information via the information content source interface. The content programming information may take on a variety of forms. In one such form, the information content is in a raw form. In another form, the information content is in a series of content segments. The mobile-content server then delivers the content programming information to a playback device via the playback device interface. Finally, the mobile-content server receives response information from the playback device via the playback device interface.

Depending on the particular embodiments, the response information may take on a variety of forms. In one embodiment, the response information includes a time-stamp. The time-stamp allows the mobile-content server to identify the specific content pertaining to the response information. In another embodiment, the response information may identify a particular portion of the content programming information or any advertising content that may also be included.

Another aspect of the closed loop system is the playback device. The playback device includes a memory storage unit, an information content source interface, a mobile-content server interface; and a processing unit. In accordance with the content programming information received from the mobile-content server, the playback device is operative to receive information content from the information content source via the information content source interface and then store this information content into the memory storage unit or to provide the content to an audio output or source, such as a speaker. In one embodiment, the playback device receives content in a raw format. In this embodiment, the playback device converts the information content into one or more content segments in a format suitable for playback. Such formats include MP3 format or other digital compression formats. In other

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embodiments, the information content is received in a form suitable for storing without performing any conversion to the content.

## **VI. Issues**

The issues presented for appeal are as follows:

- 1) Whether claims 1-8, 10, 11, 20, 28, 31-33, 42, 46-58, 80, 89-94 and 96-98 are patentable under 35 U.S.C. § 102 over Logan et al. (U.S. Patent No. 5, 732,216) ("Logan"); and
- 2) Whether claims 24, 25, 34 and 45 are patentable under 35 U.S.C. § 103(a) over Logan in view of what the Office alleges as being well known in the art.

## **VII. Grouping of Claims**

Each claim of this patent application is separately patentable, and upon issuance of a patent will be entitled to a separate presumption of validity under 35 U.S.C. § 282. For convenience in handling this appeal, however, the claims will be grouped as set forth below, and arguments supporting these groupings are contained in the "Arguments" section of this Appeal Brief.

Claims 1-8, 10, 11, 20, 28, 31-33, 42, 46-58, 80, 89-94 and 96-98 stand or fall together with respect to the § 102 rejection over Logan; and

Claims 24, 25, 34 and 45 stand or fall together with respect to the § 103(a) rejection over Logan in view of what is well known in the art.

## **VIII. Argument**

### **A. Claims 1-8, 10, 11, 20, 28, 31-33, 42, 46-58, 80, 89-94 and 96-98 are patentable over Logan**

The Examiner rejected claims 1-8, 10, 11, 20, 28, 31-33, 42, 46-58, 80, 89-94 and 96-98 under 35 U.S.C. § 102 as being anticipated by Logan. Office Action dated January 2, 2004, pages 3-13; Office Action dated June 21, 2004, pages 2-11. Appellants maintain that the cited reference does not describe, suggest or teach each and every element of the claims and thus, does not anticipate the claims.

## **B. General Principles**

Anticipation requires identifying prior art that identifies the elements of the claim. The claimed system, device or process, including each element or step thereof, must have been described or embodied, either expressly or inherently, in a single reference. *Glaverbel Societe Anonyme v. Northlake Marketing & Supply Inc.*, 45 F.3d 1550, 1554, 33 USPQ2d 1496, 1498 (Fed. Cir. 1995). To support anticipation, the reference must be sufficiently clear so as to prove the existence of each and every element in the claim. *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Co.*, 730 F.2d 1452, 1458 (Fed. Cir. 1984).

The reference may anticipate a claim if a missing element is inherent in the disclosure. *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. *Id.*

## **C. Limitations Not Described in Independent claims 1, 42, 58, 80, 89 and 84**

Logan does not anticipate claims 1-8, 10, 11, 20, 28, 31-33, 42, 46-58, 80, 89-94 and 96-98 because this reference fails to describe, either explicitly or inherently, the element of content programming information that includes a plurality of content segments with at least one of the content segments including at least one sub-segment. As defined in the specification, a content segment represents a segment of information, such as a song, a news headline, a talk radio show, a broadcast sports event, etc. Page 8 lines 12-17.



While Logan does teach the delivery of content in the form of segments, there is no description of further dividing the content segments into sub-segments. Logan does teach combining multiple segments into a serialized program in column 18 and lines 43 to 50. However, this is not the same as dividing a segment into sub-segments. Sub-segments, as defined in the specification, is a granularity of division that is not contemplated by Logan. The sub-segment is a division of the content segment. See page 15, line 19 to page 16, line 1.

The Examiner in this case specifically cites column 18, lines 43-67 and column 19, lines 1-43 of Logan as anticipating this element of the claimed invention. However, the Examiner only points out that Logan teaches the use of content segments and does not show any indication that Logan teaches the division of the content segment into sub-segments.

The Examiner also references column 18, lines 43-67 and column 19 lines 1-43 of Logan stating that Logan teaches program segments and within the program segment is a comment on field that contains the program id of the program segment commented on. It is unclear what the purpose of the Examiner's position is with relationship to this citation in the reference; however, if the Examiner is implying that such a comment anticipates either the use of sub-segments or response information, the appellant disagrees. The sub-segments, as recited in the claims and as defined in the specification is a division of a content segment, not the appendage of additional information to the content segment. In addition, providing a comment regarding a particular content segment is not the same as providing response information pertaining to a particular sub-segment and, as further articulated below, certainly does not solicit an action as recited in some of the dependent claims.

For the reasons discussed above, the Examiner has failed to establish that Logan describes each and every limitation of the claimed invention either explicitly or inherently. The element of content segments with at least one of the content segments including at least one sub-segment is included in each of the independent claims 1, 42, 58, 80, 89 and 84.

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Furthermore, claims 2-8, 10, 11, 20, 28, and 31-33 depend from independent claim 1, claims 46-57 depend from independent claim 42, claims 90-93 depend from independent claim 89 and claims 96-98 depend from independent claim 94. The Board is respectfully requested to reverse the rejection of claims 1, 42, 58, 80, 89 and 84 under 35 U.S.C. § 102 to put this application in condition for allowance.

**D. Limitations Not Described in claims 3, 6, 8, 53, 54, 58, 80, 90**

Each of these claims includes an element of a response indicator that is associated with a sub-segment. With regards to claim 3, the response indicator is not only associated with a particular sub-segment, but it also solicits various actions based on which sub-segment within the content segment with which it is associated.

The Examiner rejected claim 3 stating that Logan teaches that the player identifies program segments desired by the subscriber, program segments newly requested by the user are appended to the compilation. The Examiner relied on the text in column 6, lines 9-26 and column 17, lines 42-61. This text is repeated here for convenience:

Usage data in the store 109 maintained by the player 103 is preferably uploaded as a file bearing a predetermined file name indicative of the particular subscriber and upload time and stored in a predetermined FTP upload directory. This upload advantageously occurs at the same time the player 103 establishes a download connection to the FTP server 125 as noted earlier, and occurs prior to the download of the compilation 145. Because the upload data from the store 109 in the player 103 identifies program segments desired by the subscriber, program segments newly requested by the user are appended to the compilation 145. Note that, in typical cases, programming in addition to the specifically requested programming will be included in the download compilation, and the transfer of that programming can begin immediately while the newly uploaded user selections and other information are being processed as indicated at 153 to identify additional information to be included in the download compilation. Col. 6, lines 9-26

The Programs Table 303, as noted above, contains Program\_Segment records which describe the nature of each

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programming, advertising and announcement segment in the library which is potentially reproducible by the player 103. As illustrated by the type declaration above, each Program\_Segment record specifies the account number (ProviderID) of the advertiser or content provider if any who may be charged or compensated for the actual playing of the program segment by subscribers. The record further contains a Classtype variable Class which indicates whether this segment is an advertisement, a program, a comment or an announcement. The Class variable may also used to further subclass each program segment; for example, program segments which hold user-recorded comments may be designated as being "public" comments made generally available to all subscribers, "private" comments to be directed solely to the provider of the program\_segment commented upon, and "host" comments to be directed to the host system. Col. 17, lines 42-61.

This text fails to describe, suggest or teach response indicators that are associated with sub-segments and that solicit certain actions. Furthermore, the entire Logan reference does not describe such an element. Referring to the text of the application, this element of claim 3 is clearly described on page 15 starting at line 22 where it states:

As an example, an advertising segment may include three sub-segments. If a user actuates a response button during a first sub-segment, the user may be put on a mailing list for additional information. If a user actuations the button during a second sub-segment, an electronic commerce transaction for the purchase of a product may be initiated. If the user actuates the response button during the third sub-segment, the user may be requesting additional information regarding the advertised product or service to be sent to the playback device 155 at a later time.

Thus, this element in claim 3 clearly involves a response indicator that is associated with a particular sub-segment of a content segment and solicits an action based on which sub-segment with which it is associated. The Board is respectfully requested to reverse the rejection of claim 3 under 35 U.S.C. § 102 to put this claim in condition for allowance.

With regards to claim 6, the response indicator is associated with a sub-segment and indicates intent to make a purchase.

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With regards to claims 53, 54, 58, 80 and 90, the response indicator is correlated to a currently active segment or sub-segment.

Again, the Examiner has failed to show that the Logan reference describes, suggests or teaches this element that is present in claims 6, 53, 54, 80 and 90. The Board is respectfully requested to reverse the rejection of claims 6, 53, 54, 80 and 90 under 35 U.S.C. § 102 to put these claims in condition for allowance.

Finally, the Examiner responded to the applicant's previously asserted arguments that Logan does not disclose converting the information content into one or more sub-segments by citing column 44, lines 21-35 of Logan. This text is repeated here for the Boards convenience:

A conventional HTML hypertext anchor "<A HREF='target'>full motion video</A>" is processed to produce the three records "A", "B" and "L" at 478 in the selections file which respectively designate the beginning and ending of the anchor text passage and the location of a linked information. The "HREF='target'" portion of the HTML specifies the target location in conventional HTML and that symbolic address is then translated by the selections file compiler into the location within the selections file of the selections file record which refers to that target or, for targets in program segments which are not part of the currently scheduled programming defined by the selections file, by a negative number representing the negative of the ProgramID number of the target program segment.

This cited text certainly does not describe the element of converting content segments into sub-segments, nor the inclusion of response information associated with the sub-segments.

**E. Claims 24, 25, 34 and 45 are patentable over Logan in view of well known art**

The Examiner rejected claims 24, 25, 34 and 45 under 35 U.S.C. § 103(a) as unpatentable over Logan in view of what was well known in the art. Without addressing the

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particulars of the Examiner's rejection, these claims depend either directly or indirectly from the above-discussed independent claims. As such, the Board is respectfully requested to reverse the rejection of claims 24, 25, 34 and 45 under 35 U.S.C. § 103(a) to put these claims in condition for allowance.

**IX. Conclusion**

In view of the foregoing, Appellants respectfully request that each rejection be reversed and withdrawn.

Respectfully submitted,

LAVA Group Law by Smith & Frohwein, LLC

By: 

Gregory S. Smith  
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**APPENDIX - PENDING CLAIMS**

1. (previously presented) A closed loop system for delivering information obtained from an information content source to a playback device, comprising:
  - a mobile-content server comprising:
    - an information content source interface;
    - a playback device interface; and
    - a server application operating on the mobile-content server and enabling the mobile-content server to be operative to:
      - receive user information;
      - obtain content programming information via the information content source interface, the content programming information being based at least in part on the user information and including a plurality of content segments with at least one of the plurality of content segments including at least one sub-segment;
      - deliver the content programming information to the playback device via the playback device interface; and
      - receive response information from the playback device via the playback device interface.
2. (previously presented) The closed loop system of claim 1, wherein the response information includes a time-stamp.
3. (previously presented) The closed loop system of claim 1, wherein the response information is associated with a particular sub-segment of a content segment of the content programming information and the response information solicits various actions based on which sub-segment within the content segment with which it is associated.
4. (previously presented) The closed loop system of claim 3, wherein the mobile-content server further comprises an advertising database for storing advertisement segments.
5. (previously presented) The closed loop system of claim 4, wherein the mobile-content server is further operative to deliver selected advertisement segments to the playback device via the playback device interface, the selected advertisement segments being selected from the advertising database.

6. (previously presented) The closed loop system of claim 5, wherein the selected advertisement segments include at least one sub-segment and the response information from the playback device is associated with a sub-segment of the selected advertising segment and when the response is associated with at least one sub-segment of an advertisement segment, the response indicates an intent to make a purchase.

7. (previously presented) The closed loop system of claim 4, wherein the mobile-content server selects the advertisement segments from the advertising database based, at least in part, on the user information.

8. (previously presented) The closed loop system of claim 4, wherein the response information from the playback device is associated with a particular sub-segment of a particular content segment of the content programming information.

9. (canceled)

10. (previously presented) The closed loop system of claim 8, wherein the user information comprises preference information comprising specific content request and content categories.

11. (previously presented) The closed loop system of claim 1, wherein the playback device comprises:

a memory storage unit;

an information content source interface;

a mobile-content server interface; and

a processing unit coupled to the memory storage unit, the information content source interface and the mobile-content server interface, the processing unit, in response to instructions stored in the memory storage unit, being operative to:

enable the information content source interface in accordance with the content programming information;

receive information content from an information content source via the information content source interface; and

store the information content into the memory storage unit.

12-19 (canceled)

20. (previously presented) The closed loop system of claim 1, wherein the playback device comprises:

- a memory storage unit;
- an information content source interface;
- a mobile-content server interface;
- an audio output;

a processing unit coupled to the memory storage unit, the mobile-content server interface, the audio output and the information content source interface, the processing unit, in response to instructions stored in the memory storage unit, being operative to:

enable the information content source interface in accordance with the content programming information;

receive information content transmitted content from an information content source via the information content source interface; and

provide the information content to the audio output.

21-23 (canceled)

24. (previously presented) The closed loop system of claim 20, wherein the information content source interface is a tunable receiver and the content programming information comprises an information content source identifier and a time-stamp and the playback device is operative to enable the information content source interface by tuning to a channel associated with the information content source identifier at the time identified by the time-stamp.

25. (previously presented) The closed loop system of claim 20, wherein the information content source interface is a tunable receiver and the content programming information comprises an information content source identifier and a time-stamp and the playback device is operative to enable the information content source interface by tuning the tunable receiver to a channel associated with the information content source identifier at the time identified by the time-stamp.

26 - 27 (canceled)

28. (previously presented) The closed loop system of claim 20, wherein the information content source interface is a cellular receiver and the content programming information comprises a telephone number and a time-stamp, and the playback device is operative to enable the information content source interface by initiating a call to the telephone number at the time identified by the time-stamp.



29 – 30 (canceled)

31. (previously presented) The closed loop system of claim 20, wherein the information content source interface is a cellular receiver and the content programming information comprises a time-stamp, and the playback device is operative to enable the information content source interface by accepting an incoming call at the time identified by the time-stamp.

32. (previously presented) The closed loop system of claim 31, wherein the information content is received by the playback device in raw form.

33. (previously presented) The closed loop system of claim 31, wherein the information content is received by the playback device in content segment form.

34. (previously presented) The closed loop system of claim 20, wherein the information content source interface is a tunable receiver and the content programming information comprises an information content source identifier, a time-stamp and a time duration, and the playback device is operative to enable the information content source interface by tuning to a channel associated with the information content source identifier at the time identified by the time-stamp, and the playback device is operative to receive information content transmitted from the information source for the time duration.

35-41 (canceled)

42. (previously presented) A playback device comprising:
- a memory storage unit;
  - an information content source interface;
  - a mobile-content server interface;
  - a processing unit coupled to the memory storage unit, the information content source interface and the mobile-content server interface, the processing unit, in response to instructions stored in the memory storage unit, being operative to:
    - receive content programming information via the mobile-content server interface;
    - enable the information content source interface in accordance with the content programming information;
    - receive information content from the information content source via the information content source interface;
    - convert information content into one or more content segments, and convert at least one content segment into at least one sub-segment.
    - store the information content into the memory storage unit; and
    - provide response information to the mobile-content server interface.
43. (canceled)
44. (previously presented) The playback device of claim 42, wherein the playback device is further operative to receive an advertisement segment via the mobile-content server interface, and wherein the processing unit of playback device, prior to storing the information content into the memory storage unit, is further operative to:
- convert the information content into one or more content segments;
  - convert at least one content segment into at least one sub-segment; and
  - interleave the advertisement segment with the one or more content segments.
45. (previously presented) The playback device of claim 42, wherein the information content source interface is a tunable receiver and the content programming information comprises an information content source identifier and a time-stamp and the playback device is operative to enable the information content source interface by tuning to a channel associated with the information content source identifier at the time identified by the time-stamp.
46. (previously presented) The playback device of claim 42, wherein the information content source interface is a cellular receiver.

47. (previously presented) The playback device of claim 46, wherein the information content is received by the playback device in raw form.

48. (previously presented) The playback device of claim 46, wherein the information content is received by the playback device in content segment form.

49. (previously presented) The playback device of claim 42, wherein the information content source interface is a cellular receiver and the content programming information comprises a telephone number and a time-stamp, and the playback device is operative to enable the information content source interface by initiating a call to the telephone number at the time identified by the time-stamp.

50. (previously presented) The playback device of claim 49, wherein the information content is received by the playback device in raw form.

51. (previously presented) The playback device of claim 49, wherein the information content is received by the playback device in content segment form.

52. (previously presented) The playback device of claim 42, further comprising an audio interface coupled to the processing unit, and the processing unit is further operative to:  
read the information content from the memory storage unit; and  
provide the information content to the audio interface.

53. (previously presented) The playback device of claim 42, further comprising a response generator interface coupled to the processing unit, and the processing unit is operative to provide response information by being operative to:  
detect a signal on the response generator interface;  
create a response based, at least in part, on the detected signal;  
correlate the response to a presently active content segment or sub-segment;  
and  
provide the response to the mobile-content interface.

54. (previously presented) The playback device of claim 42, further comprising an audio interface and a response generator interface, both coupled to the processing unit, and the processing unit is further operative to:  
read the information content from the memory storage unit; and  
provide the information content to the audio interface; and  
the processing unit is operative to provide response information by being operative to:  
detect a signal on the response generator interface;

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create a response based at least in part on the detected signal;  
correlate the response to a currently active content segment or sub-segment;

and

provide the response to the mobile-content interface.

55. (previously presented) The playback device of claim 54, wherein the response generator interface is a user actuated key.

56. (previously presented) The playback device of claim 54, wherein the response generator interface is a user actuated programmable key.

57. (previously presented) The playback device of claim 54, wherein the response generator interface is a voice activated receiver.

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58. (previously presented) A playback device comprising:

- a memory storage unit;
- an information content source interface;
- a mobile-content server interface;
- an audio output;

a processing unit coupled to the memory storage unit, the mobile-content server interface, the audio output and the information content source interface, the processing unit, in response to instructions stored in the memory storage unit, being operative to:

- enable the information content source interface in accordance with the content programming information;

- receive information content via the information content source interface, the information content including entertainment content and advertising content;

- if the received information content is not divided into content segments and sub-segments, convert the information content into content segments and sub-segments;

- provide the information content to the audio output, the sub-segment of the information content being provided to the audio output being the currently active sub-segment; and

- a response generator interface coupled to the processing unit, and the processing unit is operative to provide response information by being operative to:

- detect a signal on the response generator interface;

- create a response based, at least in part, on the detected signal;

- correlate the response to the currently active content segment and sub-segment; and

- provide the response to the mobile-content interface.

59-79 (canceled)

80. (previously presented) A playback device comprising:
- a memory storage unit;
  - an information content source interface;
  - an audio interface
  - a user interface; and
- a processing unit coupled to the memory storage unit, the user interface, the audio interface and the information content source interface, the processing unit, in response to instructions stored in the memory storage unit, being operative to:
- receive information content via the information content source interface, the information content being divided into a plurality of content segments with at least one content segment including at least one sub-segment;
  - provide the information content to the audio output;
  - a response generator interface coupled to the processing unit, and the processing unit is operative to provide response information by being operative to:
    - detect a signal on the response generator interface;
    - create a response based, at least in part, on the detected signal;
    - correlate the response to the currently active content segment and sub-segment; and
  - provide the response to the mobile-content interface.

81-88 (canceled)

89. (previously presented) A playback device comprising:
- a memory storage unit;
  - an information content source interface;
  - a user interface; and
  - a processing unit coupled to the memory storage unit, the user interface and the information content source interface, the processing unit, in response to instructions stored in the memory storage unit, being operative to:
    - in response to instructions received via the user interface, enable the information content source interface;
    - receive at least one selection menu via the information content source interface;
    - receive a content selection via the user interface, the content selection being associated with at least one item on the at least one selection menu;
    - provide an indicator of the content selection to the information content source interface;
    - receive information content via the information content source interface, the information content being associated with the content selection;
    - if the received information content is not organized as content segments and sub-segments, convert the information content to content segments and each content segment to at least one sub-segment; and
    - store the information content into the memory storage unit.
90. (previously presented) The playback device of claim 89, further comprising an audio interface and a response generator interface and the processing unit is further operative to:
- read the information content from the memory storage unit;
  - provide the information content to the audio interface;
  - detect a response signal on the response generator interface; and
  - associate the response signal with the currently active sub-segment being provided to the audio interface.
91. (previously presented) The playback device of claim 90, wherein the processing unit is further operative to provide the response signal to the information content source interface.

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92. (previously presented) The playback device of claim 90, wherein the at least one selection menu is an audio menu and the processing unit provides the at least one selection menu to the audio interface.

93. (previously presented) The playback device of claim 92, wherein the user interface includes a display device, the at least one selection menu is a displayable menu and the processing unit provides the at least one selection menu to the display device.



94. (previously presented) A playback device comprising:
- a memory storage unit;
  - an information content source interface;
  - an audio interface;
  - a user interface; and
  - a processing unit coupled to the memory storage unit, the user interface, the audio interface and the information content source interface, the processing unit, in response to instructions stored in the memory storage unit, being operative to:
    - in response to instructions received via the user interface, enable the information content source interface;
    - receive at least one selection menu via the information content source interface;
    - receive a content selection via the user interface, the content selection being associated with at least one item on the at least one selection menu;
    - provide an indicator of the content selection to the information content source interface;
    - receive information content via the information content source interface, the information content being associated with the content selection and being organized as a plurality of content segments, at least one of which includes one or more sub-segments; and
    - provide the information content to the audio interface;
- a response generator interface and the processing unit is further operative to:
- detect a response signal on the response generator interface; and
  - associate the response signal with the information content currently being provided to the audio interface.
95. (canceled)
96. (previously presented) The playback device of claim 94, wherein the processing unit is further operative to provide the response signal to the information content source interface.
97. (previously presented) The playback device of claim 94, wherein the at least one selection menu is an audio menu and the processing unit provides the at least one selection menu to the audio interface.

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98. (previously presented) The playback device of claim 94, wherein the user interface includes a display device, the at least one selection menu is a displayable menu and the processing unit provides the at least one selection menu to the display device.